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			YUAN, KATHLEEN S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)				
Office Action Summary		10/608,784	STEINBERG ET AL.				
		Examiner	Art Unit				
		Kathleen S. Yuan	2624				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHO WHIC - Exter after - If NO - Failui Any r	ORTENED STATUTORY PERIOD FOR REPLICATION OF THE MAILING DISTRICT OF THE MAILIN	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tirm will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status							
2a)□	Responsive to communication(s) filed on <u>18 Jac</u> This action is <b>FINAL</b> . 2b)⊠ This Since this application is in condition for allowa closed in accordance with the practice under B	s action is non-final.  nce except for formal matters, pro					
Disposition of Claims							
5)□ 6)⊠ 7)□	Claim(s) <u>1-15,23-33,41-55 and 63-73</u> is/are per 4a) Of the above claim(s) <u>16-22,34-40,56-62 and</u> Claim(s) is/are allowed. Claim(s) <u>1-15,23-33,41-55 and 63-73</u> is/are re Claim(s) is/are objected to. Claim(s) are subject to restriction and/or	nd 74-80 is/are withdrawn from concepts.	onsideration.				
Applicati	on Papers						
10)⊠	The specification is objected to by the Examine The drawing(s) filed on 6/26/2006 is/are: a) Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Example 2.	accepted or b) objected to by the drawing(s) be held in abeyance. Settion is required if the drawing(s) is ob-	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
Priority u	ınder 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
2) Notice	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Do 5) Notice of Informal F 6) Other:	ate				

#### **DETAILED ACTION**

#### Election/Restrictions

Claims 16-22, 34-40, 56-62 and 74-80 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/4/2007.

#### Claim Objections

- 1. Claims 8-10 and 48-50 are objected to because of the following informalities:
  They claim the same subject matter, respectively. Furthermore, 48-50 claim storage devices and depend on claim 1 which is a method claim. Appropriate correction is required.
- 2. Also, examiner suggests amending many of the dependent claims to include the word "wherein" and corresponding corrections to aid in readability. For example, claim 24 could be amended to read, "The method of claim 23, wherein the selected portion comprising a zoom region and a suggested new image comprising a zoomed image includes the face enlarged by the zooming."

### Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5<sup>th</sup> ed. 1993).) "Non functional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare In re Lowry, 32 F.3d 1579, 1583-84, 32USPQ2d1031, 1035 (Fed Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and Warmerdam, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 17660 (claim to a data structure per se held nonstatutory).

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

4. Claims 41-55, 63-73 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 41-55, 63-73 define a processor readable storage device. However, it is the preferred language to claim, "computer readable medium encoded with a computer program," as shown above in the Interim Guidelines. Appropriate correction is required.

## Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 11-15, 29-33, 51-55 and 69-73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- 7. Claims 11, 14, 29, 32, 51, 54, 69 and 72 recite the limitation "the manipulating" in lines 2, 1, 2, 1, 2 and 1, respectively. There is insufficient antecedent basis for this limitation in the claim.
- 8. Claim 14 recites the limitation "the step of generating" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

## Claim Rejections - 35 USC § 103

- 9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 10. Claims 1-6, 23, 24, 41-46, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 20030123751 (Krishnamurthy et al) in view of U.S. Patent No. 4970663 (Bedell et al).

Regarding claim 23, Krishnamurthy et al discloses a method of providing an option for generating one or more new images using an original digitally-acquired image including a face (fig. 2), comprising: (a) identifying one or more groups of pixels, or finding the region of interest (fig. 2, item 210); that correspond to a face, since the

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region of interest is of facial areas (pg. 1, pp. 0009) within the original acquired image, (b) selecting a portion of the original image to include the group of pixels, wherein the portion selected is the region of interest of the original image, thus including the group of pixels (fig. 2 items 220-230) in order to utilize the data for other purposes such as finding a higher resolution for that region or adjusting the bit allocations; and (c) automatically providing an option for generating values of pixels of one or more new images by optionally applying zooming in on the region of interest, thus creating a new image based on the region of interest, the selected portion, which includes the face because the region of interest includes the face (pg. 5, pp 0053).

Krishnamurthy et al does not disclose expressly original image is digitally acquired.

It is obvious if not inherent to use digital images, and further, Bedell et al discloses that original images input are digital (col. 2, lines 38-40).

Krishnamurthy et al and Bedell et al are combinable because they are from the same field of endeavor, i.e. manipulating images.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use digital images.

The suggestion/motivation for doing so would have been to provide a simple, well-known straightforward way of representing values in an image.

Therefore, it would have been obvious to combine the method of Krishnamurthy et al with Bedell et al to obtain the invention as specified in claim 23.

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- 11. Claim 63 is rejected for the same reasons as claim 23. Thus, the arguments analogous to that presented above for claim 23 are equally applicable to claim 63.

  Claim 63 distinguishes from claim 23 only in that claim 23 claims a method and claim 63 claims a processor readable storage device. The processor readable storage device preamble is addressed above in the 101 rejection.
- 12. Claim 1 and 41 are rejected for the same reasons as claims 23 and 63, respectively. Thus, the arguments analogous to that presented above for claims 23 and 63 are equally applicable to claims 1 and 41. Claims 1 and 41 distinguish from claims 23 and 63 only in that claims 1 and 41 are broader versions of claims 23 and 63, respectively. Since all the limitations are addressed in the previous rejections, prior art applies.
- 13. Regarding claim 2, Krishnamurthy et al discloses displaying the original image since a viewer interactively defines areas of the original image, thus it must be displayed (pg. 4, pp. 0046) and displaying the final image, a zoomed image (pg. 4, pp. 0046 and pg. 5, pp. 0061). Krishnamurthy also discloses displaying a transformation between these images by displaying the zoomed image (pg. 5, pp.0061), thus displaying the enlarged change of the new image. Bedell et al discloses displaying another type of transformation between the images when disclosing that images can be dissolved from one image to another (col. 4, lines 19-20).
- 14. Regarding claim 3, Krishnamurthy discloses adjusting parameters of the transformation by zooming, thus adjusting the scale of the image, and adjusting the resolution as well which is another parameter (fig. 2, item 220 and 240). Bedell et al

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discloses adjusting parameters of the transformation when disclosing that dissolving can be adjusted using parameters such as a constant k over a number of frames (col. 4, lines 21-25).

- 15. Regarding claim 4, Bedell et al discloses that parameters of said transformation between images are being selected from a set of criteria including timing, the number of frames it takes to dissolve and blending, the blending of the frames as one frame dissolves into another (col. 4, lines 21-25).
- 16. Regarding claim 5, Bedell et al discloses blending includes dissolving (col. 4, lines 19-20).
- 17. Regarding claim 6, Krishnamurthy discloses that the selected portion, the region of interest (fig. 2, item 210) comprises a zoom region and a new image comprising a zoomed image including the face enlarged by the zooming (fig. 2, item 240), since the face is included in the region of interest (pg. 1, pp. 0009).
- 18. Claims 42-46 are rejected for the same reasons as claims 2-6, respectively. Thus, the arguments analogous to that presented above for claims 2-6 are equally applicable to claims 42-46. Claims 42-46 distinguish from claims 2-6 only in that they have different dependencies, both of which have been previously rejected. Therefore, prior art applies.
- 19. Claims 24 and 64 are rejected for the same reasons as claim 6. Thus, the arguments analogous to that presented above for claim 6 are equally applicable to claims 24 and 64. Claims 24 and 64 distinguish from claim 6 only in that they have

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different dependencies, both of which have been previously rejected. Therefore, prior art applies.

20. Claims 7, 11, 25, 29, 47, 51, 65 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al in view of Bedell et al, as applied to claims 6, 46, 24 and 64 above, and further in view of U.S. Patent No.6246779 (Fukui et al).

Regarding claim 7, Krishnamurthy et al (as modified by Bedell et al) discloses all of the claimed elements as set forth above, and incorporated herein by reference.

Krishnamurthy et al (as modified by Bedell et al) does not disclose expressly determining a point of rotation and an amount of rotation after which another image is automatically generated including a rotated version of the face.

Fukui et al discloses determining a point of rotation, a rotation pivot point (col. 7, line 31) and an amount of rotation theta (col. 7, line 40) after which another image is automatically generated including a rotated, transformed version of the face (col. 7, ines 41- col. 8, line 4).

Krishnamurthy et al (as modified by Bedell et al) and Fukui et al are combinable because they are from the same field of endeavor, i.e. facial image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to rotate the face.

The suggestion/motivation for doing so would have been to provide a more userfriendly system by providing a means to obtain a normalized version of the face which

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can be used in more effectively in many applications such as image matching, or simply be used as a better fit to the display.

Therefore, it would have been obvious to combine the method of Krishnamurthy et al (as modified by Bedell et al) with the rotation of Bedell et al to obtain the invention as specified in claim 7.

- 21. Claims 25, 47 and 65 are rejected for the same reasons as claim 7. Thus, the arguments analogous to that presented above for claim 7 are equally applicable to claims 25, 47 and 65. Claims 25, 47 and 65 distinguish from claim 7 only in that they have different dependencies, both of which have been previously rejected. Therefore, prior art applies.
- 22. Regarding claim 11, Fukui et al discloses a step of determining a point of rotation, a rotation pivot point (col. 7, line 31) and an amount of rotation theta (col. 7, line 40) such that the manipulating of the values of the pixels automatically generates a new image, a transformed version of the face, including a rotated version of the face by rotating the image about said point of rotation by said amount of rotation (col. 7, lines 41- col. 8, line 4).
- 23. Claim 29 is rejected for the same reasons as claim 11. Thus, the arguments analogous to that presented above for claim 11 are equally applicable to claim 29. Claim 29 distinguishes from claim 11 only in that claim 29 provides an option to generate a new image. Krishnamurthy teaches further this feature, i.e. providing an option to transform the image any way the user wishes (fig. 2, items 230-250 and pg. 5, paragraph 0053).

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- 24. Claims 51 and 69 are rejected for the same reasons as claims 11 and 29, respectively. Thus, the arguments analogous to that presented above for claims 11 and 29 are equally applicable to claims 51 and 69. Claims 51 and 69 distinguish from claims 11 and 29 only in that they have different dependencies, both of which have been previously rejected. Therefore, prior art applies.
- 25. Claims 8, 9, 14, 15, 26, 27, 32, 33, 48, 49, 54, 55, 66, 67, 72, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al in view of Bedell et al, as applied to claims 6, 46, 24 and 64 above, and further in view of U.S. Patent Application Publication No. 20030142209 (Yamazaki et al).

Regarding claim 8, Krishnamurthy et al (as modified by Bedell et al) discloses all of the claimed elements as set forth above, and incorporated herein by reference.

Krishnamurthy et al (as modified by Bedell et al) does not disclose expressly (d) determining one or more further new images each including a new group of pixels corresponding to the face; and (e) automatically panning using the one or more further new images.

Yamazaki et al discloses determining one or more further new images each including a new group of pixels corresponding to the face by obtaining more images over time that include the face (fig. 3, item 3-3 to 3-5). And automatically panning using one or more further new images, as can be seen in items 3.3 to 3.5, since the person moves and the camera keeps the person in the center, thus panning (pg. 2, pp. 21).

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Krishnamurthy et al (as modified by Bedell et al) and Yamazaki et al are combinable because they are from the same field of endeavor, i.e. facial image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to pan in new images.

The suggestion/motivation for doing so would have been to provide a more user-friendly system by automatically following an object of interest instead of manually following, and to increase speed by following the object instead of asking the user to find the object when it moves.

Therefore, it would have been obvious to combine the method of Krishnamurthy et al (as modified by Bedell et al) with Yamazaki et al to obtain the invention as specified in claim 8.

- 26. Regarding claim 14, Yamazaki et la discloses manipulating of the values by generating one or more new images (fig. 2, items 3-3 to 3-5) each including a new group of pixels corresponding to the face, the face being shown in fig. 2, items 3-3 to 3-5 and the new group of pixels being the changes in the face in the new images, and further comprising the step of generating a panning sequence (pg. 2, pp. 21) which keeps the object of interest in the center, comprising a sequence of at least two of the original images (fig. 3, items 3-2 to 3-3) and the one or more new images (fig. 3-4).
- 27. Regarding claim 9, Yamazaki et al discloses each of the one or more further new images including pixels corresponding to features different from at least one other image of the one or more further new images, such features being the differences in the

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image from movement, such as the movement of the door and the pixels corresponding to the movement (fig. 3, items 3-2 to 3-5).

- 28. Claim 26 is rejected for the same reasons as claim 8. Thus, the arguments analogous to that presented above for claim 8 are equally applicable to claim 26. Claim 26 distinguishes from claim 8 only in that claim 26 provides options for continuing processing. Krishnamurthy teaches further this feature, i.e. providing an option to transform the image any way the user wishes (fig. 2, items 230-250 and pg. 5, paragraph 0053).
- 29. Claim 32 is rejected for the same reasons as claim 14. Thus, the arguments analogous to that presented above for claim 14 are equally applicable to claim 32. Claim 32 distinguishes from claim 14 only in that claim 32 provides options for continuing processing. Krishnamurthy teaches further this feature, i.e. providing an option to transform the image any way the user wishes (fig. 2, items 230-250 and pg. 5, paragraph 0053).
- 30. Claims 48, 66, 54 and 72 are rejected for the same reasons as claims 8, 26, 14 and 32, respectively. Thus, the arguments analogous to that presented above for claims 8, 26, 14 and 32 are equally applicable to claims 48, 66, 54 and 72. Claims 66, 54 and 72 distinguish from claims 26, 14 and 32 only in that they have different dependencies, both of which have been previously rejected. Claim 48 differs only in that it has an error addressed above in the claim objection; all limitations have been discussed. Therefore, prior art applies.

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Claims 15, 27, 33, 49, 55, 67 and 73 are rejected for the same reasons as claim 9. Thus, the arguments analogous to that presented above for claim 9 are equally applicable to claims 15, 27, 33, 49, 55, 67 and 73. Claims 15, 27, 33, 49, 55, 67 and 73 distinguish from claim only in that they have different dependencies, all of which have been previously rejected. Therefore, prior art applies.

32. Claims 10, 12, 13, 28, 30, 31, 50, 52, 53, 68, 70, 71 rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al in view of Bedell et al as applied to claims 6, 46, 24 and 64 above, and further in view Yamazaki et al, as applied to claims 8, 48, 26, and 66 and Fukui et al as applied to claims 11, 51, 29 and 69.

Regarding claim 10, Krishnamurthy et al (as modified by Bedell et al and Yamazaki et al) discloses all of the claimed elements as set forth above, and incorporated herein by reference.

Krishnamurthy et al (as modified by Bedell et al and Yamazaki et al) does not disclose expressly determining a point of rotation and an amount of rotation after which another image is automatically generated including a rotated version of the face.

Fukui et al discloses determining a point of rotation, a rotation pivot point (col. 7, line 31) and an amount of rotation theta (col. 7, line 40) after which another image is automatically generated including a rotated, transformed version of the face (col. 7, lines 41- col. 8, line 4).

Krishnamurthy et al (as modified by Bedell et al and Yamazaki et al) and Fukui et al are combinable because they are from the same field of endeavor, i.e. facial image processing.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to rotate the face.

The suggestion/motivation for doing so would have been to provide a more userfriendly system by providing a means to obtain a normalized version of the face which can be used in more effectively in many applications such as image matching, or simply be used as a better fit to the display.

Therefore, it would have been obvious to combine the method of Krishnamurthy et al (as modified by Bedell et al and Yamazaki et al) with Fukui et al to obtain the invention as specified in claim 10.

- 33. Claims 28, 50 and 68 are rejected for the same reasons as claim 10. Thus, the arguments analogous to that presented above for claim 10 are equally applicable to claims 28, 50 and 68. Claims 28, 50 and 68 distinguish from claim 10 only in that they have different dependencies, all of which have been previously rejected. Therefore, prior art applies.
- 34. Regarding claim 12, Krishnamurthy et al (as modified by Bedell et al and Fukui et al) discloses all of the claimed elements as set forth above, and incorporated herein by reference. Krishnamurthy et al (as modified by Bedell et al and Fukui et al) does not disclose expressly (d) determining one or more further new images each including a new group of pixels corresponding to the face; and (e) automatically panning using the one or more further new images. Yamazaki et al discloses determining one or more further new images each including a new group of pixels corresponding to the face by obtaining more images over time that include the face (fig. 3, item 3-3 to 3-5). And

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automatically panning using one or more further new images, as can be seen in items 3.3 to 3.5, since the person moves and the camera keeps the person in the center, thus panning (pg. 2, pp. 21). Krishnamurthy et al (as modified by Bedell et al and Fukui et al) and Yamazaki et al are combinable because they are from the same field of endeavor, i.e. facial image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to pan in new images. The suggestion/motivation for doing so would have been to provide a more user-friendly system by automatically following an object of interest instead of manually following, and to increase speed by following the object instead of asking the user to find the object when it moves.

Therefore, it would have been obvious to combine the method of Krishnamurthy et al (as modified by Bedell et al and Fukui et al) with Yamazaki et al to obtain the invention as specified in claim 12.

- 35. Claim 30 is rejected for the same reasons as claim 12. Thus, the arguments analogous to that presented above for claim 12 are equally applicable to claim 30. Claim 30 distinguishes from claim 12 only in that claim 30 provides options for continuing processing. Krishnamurthy teaches further this feature, i.e. providing an option to transform the image any way the user wishes (fig. 2, items 230-250 and pg. 5, paragraph 0053).
- 36. Claims 52 and 70 are rejected for the same reasons as claims 12 and 30, respectively. Thus, the arguments analogous to that presented above for claims 12 and 30 are equally applicable to claims 52 and 70. Claims 52 and 70 distinguish from

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claims 12 and 30 only in that they have different dependencies, both of which have been previously rejected. Therefore, prior art applies.

37. Claims 13, 31, 53 and 71 are rejected for the same reasons as claim 9. Thus, the arguments analogous to that presented above for claim 9 are equally applicable to claims 13, 31, 53 and 71. Claim 13, 31, 53 and 71 distinguish from claim 9 only in that they have different dependencies, all of which have been previously rejected. Therefore, prior art applies.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen S. Yuan whose telephone number is (571)272-2902. The examiner can normally be reached on Monday to Thursdays, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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KY 2/2/2007

> JOSEPH MANCUSO SUPERVISORY PATENT EXAMINER